

Legislation at Last: The Weeks Act

By the first decade of the twentieth century, the situation in the forestlands of New England, the South, and the Lake states had reached crisis proportions, yet forest conservationists were uncertain about how to proceed with forest protection. Would forest conservation better be pursued by state governments or by the federal government? Arguments in favor of state government were persuasive. New York, for example, had formed the Adirondacks Forest Preserve in 1885, but when logging continued there, the state legislature took a more radical step, sponsoring a convention to update the state's constitution. One new article of the constitution set aside the Adirondacks as a protected preserve, using words that foreshadowed ideas about wilderness: "The lands of the State, now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands."¹ That fall, voters overwhelmingly approved the new constitution, giving the Adirondack forests the strongest protection in the land.

New York, however, had resources for such action that far exceeded those available to agricultural states like New Hampshire and North Carolina. As a result, conservationists looked increasingly to the federal government for solutions, yet knotty questions arose. Did the federal government have the power constitutionally to purchase forestlands from private timberland owners? If so, where would the resources for such purchases

come from? And how would the federal government carry out negotiations with private landowners for the purchase of lands?

In New Hampshire, Joseph B. Walker, who had served on several of the state's forestry commissions, was an early voice in favor of public ownership of forests, and he marshaled economic arguments in favor of public stewardship. The New Hampshire Forestry Commission paid special attention to preserving water power because the state's economy depended so heavily on water-powered textile mills on the Merrimack River. In the Forestry Commission's 1891 report, Walker and his co-commissioners, George B. Chandler and J. B. Harrison, spelled out the multiple uses of forests:

1. The first and foremost important function of mountain forests is the preservation of the mountains themselves by clothing them with soil.
2. The second function of mountain forests is the production of a perpetual supply of timber.
3. The third important function of mountain forests is the formation of natural storage reservoirs for the retention and distribution of water.
4. Another important function of mountain forests is the production and maintenance of such conditions of the soil, water, atmosphere, and scenery of the region as are highly favorable to human life, health, and enjoyment.²

In the first decade of the twentieth century, forest conservationists turned their attention to Congress in the belief that only the federal government had the powers and resources to purchase privately owned timberlands and create a network of national forests in the East, South, and Lake states, which would be managed for multiple uses. From 1900 to 1905, conservationists and legislators in the South and New England introduced legislation into Congress, but the two regions pursued legislative solutions separately, reinforcing opponents' arguments that forest conservation was a regional issue and not a national one.

Early Legislative Efforts

Much of the early legislative effort was centered in the South. Beginning in 1900, southern conservation organizations and state legislatures petitioned Congress to pass legislation to protect the southern Appalachians. The Appalachian National Park Association, the American Association for the Advancement of Science, and the American Forestry Association all lobbied Congress to take action. In 1901, the North Carolina state legislature went a step further by granting the U.S. government the right to purchase and acquire title to forestlands within the state for the purpose of creating national forests. Later that year, Georgia, Tennessee, and Alabama passed similar enabling legislation.

North Carolina's delegation to the U.S. Congress took further initiatives. After the Wilson Report was issued in 1901 (as explained in chapter 3), Senator Jeter Pritchard of North Carolina, who had written the enabling legislation for the report, submitted a bill that would have appropriated \$5 million to purchase two million acres for a forest reserve in the southern Appalachians. (The proposed reserve would later become the Great Smoky Mountains National Park.) Pritchard's bill never came to a vote, however.

Later that year, Senator Joseph R. Burton, a Republican from Kansas who was the chairman of the Committee on Forest Reservations and Game Protection, wrote an eastern forest reserve bill appropriating \$10 million for purchasing forestlands in the southern Appalachians. Burton's committee reported the bill to the full Senate, which debated it extensively and then voted in favor of it. The bill won support for a variety of reasons. Some southern senators wanted to protect the forests, but others saw the economic advantage to the region of empowering the federal government to purchase cutover lands of low value and assume the costs of regenerating and protecting the forests.³ To garner public support for Burton's bill, the Appalachian National Park Association, which changed its name to the Appalachian National Forest Association in 1903, sent out more than a million mailings.⁴ In addition, Gifford Pinchot worked closely with and strongly supported the southerners' efforts. At the same time, he

kept the New Englanders at arm's length, believing that conservationists should focus on one region at a time and that the South—where he had roots because of his pioneering work at the Biltmore Forest—should take precedence.⁵

In the House of Representatives during the Fifty-Seventh Congress (1901–1902), southern representatives also submitted a number of bills. Representatives Walter Brownlow of Tennessee and Richmond Pearson and James Moody of North Carolina introduced a bill that was reported favorably by the House Committee on Agriculture, but it did not reach the floor for a vote. Over the next few years, representatives from North Carolina and Tennessee introduced other bills, but they all faced the implacable opposition of the Speaker of the House, Joseph G. Cannon of Illinois, a member of the old guard of the Republican Party and a fervid states' rights supporter, about whom more will be said later.⁶

While the southern legislators were introducing legislation, New England's conservationist organizations started to build grassroots support in favor of national forests in the region. The leaders in this effort included Philip Ayres (figure 5.1); Appalachian Mountain Club president Allen Chamberlain, Edwin A. Start of the Massachusetts Forestry Association, and Thomas E. Will of the American Forestry Association, which emerged as a leading force in forest conservation in the early twentieth century. These men and many others traveled extensively around the six states that comprise New England, delivered passionate lectures that showed the devastation of the forests, educated the public to the benefits of forestry, and fired off countless editorials.⁷

Ayres's campaign on behalf of the Society for the Protection of New Hampshire Forests was especially innovative. Convinced that his presentations should be as visual and visceral as possible, he traveled throughout New England in the early years of the twentieth century and used what was known then as a Magic Lantern slide projector, which cast photographic images on glass slides, much like today's slide projectors. Ayres showed images of devastation, such as burned logs scattered up and down mountainsides in the White Mountains. To add to the dramatic effect of the slides, Ayres colorized them. One, for example, showed the black of the



Figure 5.1 *Philip Wheelock Ayres, ca. 1890. As the first forester of the Society for the Protection of New Hampshire Forests, Ayres worked incessantly to inform the public about the plight of New England's forests. Milne Special Collections and Archives Department, University of New Hampshire Library, Durham, New Hampshire.*

charred logs, which stood in stark contrast to a small green patch of trees that had been spared from fire. Ayres journeyed to every corner of New England, speaking to women's clubs, libraries, the Appalachian Mountain Club and other hiking clubs, and Grange halls. In all these presentations, he used his pioneering lantern slide show to convince his audiences of the ruinous aftermath of heavy logging and forest fires.

While Ayres was lecturing in every corner of New England, he also wrote articles for forestry journals and general-interest magazines stressing the severe economic effect of deforestation. In *Commercial Importance of the White Mountain Forests*, a monograph published by the U.S. Department of Agriculture, he noted, "There has been reckless waste of the vast forest wealth of the nation, which is still going on, but changes for the better are being made in important directions. The more thoughtful lumbermen see the issue clearly and have begun to treat the forest more conservatively."⁸ He quoted Frederick Weyerhaeuser, the leading lumber magnate in the nation, as saying, "The State has interests far beyond those of the individual."⁹

New England's congressional delegation also started to submit bills to protect the White Mountains. Senator Jacob Gallinger and Representative Frank Currier of New Hampshire introduced several bills, but none of them passed, as they faced opposition not only from Speaker Cannon but from the congressional delegations of the western states. By 1905, the repeated failures to pass legislation cast a pall over the conservationists' efforts. By then, southern conservationists and the New Englanders were beginning to realize that although they were separated by physical distance and culture, they would have to unite their efforts and transform forest protection from a regional cause into a national one.

In 1905, a propitious event smoothed the way for unification, and Pinchot was the linchpin. That year, he convened the American Forestry Congress in Washington, D.C., attracting leading conservationists and foresters from around the country to discuss the advancement of forestry. Reverend Edward Everett Hale, the highly respected chaplain of the U.S. Senate who strongly favored forest conservation, attended even though he was in his eighties. At one point, he raised his large frame slowly from

his desk, and Ayres and two others helped him to the speaking platform. Ayres recalled admiringly, "With his eloquent voice, he told the story of the White Mountains and offered a resolution that was received with great enthusiasm."¹⁰

Ayres forged an alliance with Dr. Joseph Trimbel Rothrock, the father of forestry in Pennsylvania. Rothrock then buttonholed Pinchot—a fellow Pennsylvanian—and told him bluntly, "Now, Gifford, your bill for a National Forest in the Southern Mountains has been tried in Congress and failed. It always will fail until you get those Yankees behind it. You have got to have those New England votes and you might just as well agree to a National Forest in the White Mountains." Pinchot reflected for a moment and replied, "All right, I am with you." From then on, he became a stalwart supporter of the White Mountain forests.¹¹

In 1906, the American Forestry Association worked closely with Pinchot and a deputy forester, William L. Hall, to draft a "Union Bill" that called for the creation of forest reserves in the southern Appalachians *and* the White Mountains. Proconservation legislators introduced the bills into the House and Senate. Congress held hearings at which Ayres, Edwin Start, Governor R. B. Glenn of North Carolina, and Governor William T. McLane of New Hampshire made powerful presentations. At the same time, Thomas Will lectured in the Lake states in favor of the bills and warned of an impending timber famine.

During the efforts to force a vote on the bills in the House and the Senate, tensions reemerged between the northerners and southerners, partly as the result of lingering resentments from the Civil War. Allen Chamberlain, president of the Appalachian Mountain Club, heard an erroneous report that Pinchot accused the New Englanders of being less than totally committed to the cause of forest legislation. The passionate Chamberlain took offense and attacked Pinchot for "showing the white feather" in the struggle to pass the bills. Pinchot was outraged, but friends managed to calm down both men, and the alliance was preserved.¹²

In May 1906, the House Agricultural Committee voted in favor of the forest legislation, but the bill failed to come to the House floor for a vote. Conservationists accused Speaker Cannon of pressuring the House Rules

Committee to prevent a vote on the bill. Angered by the accusation, Cannon shot back, "What I would consider an insult from an ordinary man I will overlook in your case since I consider men with a forest fad like yours to be nuts!"¹³

"Uncle Joe" Cannon and Representative John Weeks

As Cannon's words amply demonstrated, he was not kindly disposed toward conservationists. Born in 1836 in North Carolina to Quaker parents who had left the state because of slavery and migrated to the town of Danville, Illinois, Cannon had a deep-seated belief in self-reliance born of his rough childhood on the Illinois frontier. After studying law and serving a tenure as a district attorney in Illinois, he won election to the U.S. House of Representatives in 1872, beginning a career in the House that would last until 1923, when he retired at the age of eighty-seven. Cannon won election as Speaker of the House in 1903.

Cannon was a vivid character who was quite popular among his fellow politicians. He came to be known as "Uncle Joe" because of his garrulous personality, his humor, and his colorful stories about the rough-and-ready Illinois frontier. He was a forceful debater who stabbed the air with his pinwheeling arms as he passionately made his points, leading one House member to label him "The Dancing Dervish of Illinois."¹⁴ In his life's story, *Uncle Joe Cannon: The Story of a Pioneer American*, which he dictated to his secretary, L. White Busbey, he proudly proclaimed, "I am one of the great army of mediocrity which constitutes the majority."¹⁵ Woe to those who underestimated Representative Cannon, however. He was a cagey legislator, and when he ascended to the Speaker's chair, he ran the House with an affable but strict hand, rigidly enforcing party unity. When one irate citizen asked his representative for a copy of the House's rules, he received a photograph of Uncle Joe.¹⁶

As a Quaker and a Republican, Cannon thoroughly despised slavery and had wholeheartedly supported the Civil War, but in the years after the war, he viewed with suspicion the growing power of the federal government. "I have always been inclined," he dictated to Busbey, "to follow the old plan of the beginning of the Federal government and leave much of

the Government to the States, and minor political divisions, and but for the slavery question and the civil war, I believe we would still be more devoted to State Rights than we are, and we would continue to look to the State Governments for our domestic laws rather than to Congress." Cannon was also a realist, though, for he continued, "But what has been done cannot be easily undone and Congress has practically taken the place of the State Legislatures as the body to appeal to when any community desires to change the law."¹⁷

As representatives wrote and introduced various forest bills, Cannon refused even to let them come to the floor of the House for a vote. He apparently found conservationists especially irritating, thundering at one point, "Not one cent for scenery!"¹⁸ Creating eastern national forests, he opined, was an unjustified expansion of federal power. Besides, where would the money come from to purchase privately held forestlands?

In 1907, however, Cannon made a surprising decision: he assigned Representative John Wingate Weeks to the Agricultural Committee in the new Congress. Weeks (figure 5.2) was a native of New Hampshire and a successful Boston businessman, and he had made it known that he favored forest legislation. Born on April 11, 1860, in Lancaster, New Hampshire, he grew up in a family that had been prominent in New Hampshire politics for generations. His great-grandfather, also named John Weeks, had been a captain of the Continental Army during the American Revolution.

After a childhood spent on the family farm in Lancaster, Weeks attended the U.S. Naval Academy in Annapolis, where he won a reputation both for his physical strength and his gregarious personality. He served in the navy until 1883 and then migrated to Florida, where he took a position as a land surveyor. There he met his future wife, Martha A. Sinclair, who had also grown up in New Hampshire. Because she found Florida's climate disagreeable, they moved back to New England, settling in Boston. There, Weeks met Henry A. Hornblower, who owned an investment firm with his father. The senior Hornblower retired, and the two young men decided to go into business together, forming the investment firm of Hornblower & Weeks in 1888. The firm thrived, and by the early twentieth century, it had opened offices in New York, Chicago, and other cities.



Figure 5.2 John Wingate Weeks, during Weeks's tenure as secretary of the U.S. Department of War, 1921–1925. Weeks, a native of Lancaster, New Hampshire, and U.S. representative from Massachusetts, sponsored the Weeks Act, which permitted the federal government to purchase privately owned forestlands and begin creating eastern national forests. From the collections of the Weeks Memorial Library, courtesy of the White Mountain National Forest.

Weeks settled in the Boston suburb of West Newton, where he gradually involved himself in local politics. He served as an alderman and then, in 1901, won election as mayor of Newton. He was a staunch Republican but won a reputation as a fair-minded administrator who displayed sound judgment and a mastery of the financial details of city governance. After he had served two terms as Newton's mayor, a group of friends persuaded him to run for the open House seat from Massachusetts's Twelfth Congressional District. He easily won election, and on December 4, 1905, he took

his seat in the Fifty-Ninth Congress. Because of his banking background, he was assigned to the Committee on Banking and Currency and the Committee on Expenditures in the State Department.¹⁹

In a letter to Gifford Pinchot dated June 18, 1912, Weeks recalled when he took his seat in Congress:

Almost the first thing which attracted my attention was the Forestry Service. I commenced to look it up along general lines and soon ascertained the situation which obtained relating to the White Mountain and Appalachian bills, coming to the conclusion that if any result was to be obtained it must mean cooperation between the Eastern and Southern sections of the country.²⁰

Drawing on his experiences growing up in New Hampshire, he proceeded to educate himself on the desperate condition of the eastern and southern forests.

In 1906, Weeks won reelection to the House. As the new Congress started to convene in 1907, Speaker Cannon asked Weeks to come to his office. Despite Cannon's skepticism about the forestry bills, he had come to the realization that forest legislation was inevitable, and he informed Weeks that he wanted to assign the Massachusetts congressman to the Agricultural Committee. Weeks objected that he already had his hands full with his assignments on two other House committees, but Cannon replied that the Agricultural Committee had become increasingly important and would be undertaking initiatives that were "experimental." Cannon undoubtedly was referring to the forest legislation. He then told Weeks that "it was especially essential that trained business men should be on the Committee."²¹

Weeks warned Cannon that he favored certain legislation that the Agricultural Committee would be considering during that session of Congress. Cannon replied, "I suppose you refer to forestry legislation." Weeks acknowledged that he was. Cannon said:

I think forestry legislation is coming in time, but it has not seemed to me that the time has arrived yet when we ought to commence to purchase lands for forestry purposes. I may be mistaken in this prop-

osition, but my judgment is that it is too early to undertake such a policy. I am not, however, putting you on the Agricultural Committee because I expect you to make my views yours. . . . I want to say this, that if you can frame a forestry bill which you, as a business man, are willing to support, I will do what I can to get an opportunity to get it consideration in the House.²²

Even while Cannon indicated that he would be open to forest legislation written so as not to alienate business interests, however, nature was about to underscore continued threats to the forests and galvanize public opinion.

The Monongahela Flood of 1907

On March 4, 1907, the Monongahela River rampaged over its banks and inundated lands throughout both Pennsylvania and West Virginia. In his *Fifty Year History of the Monongahela*, C. R. McKim wrote, "Heavy rains brought flood waters down the Monongahela River. . . . The trees and healthy vegetation were no longer there to regulate the rainwater's flow. It devastated all the rich agricultural land in the basin of the Monongahela River, causing some \$100 million in damages—a gigantic sum for those times."²³

The floods visited their full fury on Pittsburgh from March 13 through March 15. On March 13, the Monongahela, Allegheny, and Ohio Rivers rose rapidly and reached the flood stage of twenty-six feet, which was six feet over the danger mark for the city. On Deer Creek in the Pittsburgh suburb of Harmarville, a bridge carrying a freight train collapsed, plunging the train into the roiling waters below and killing three men.²⁴

That night, torrents of rain continued to fall, and by the next day the situation was even worse, with floods cresting at thirty-five feet, or thirteen feet above the danger mark, the highest point the rivers had reached in seventy-five years. Most of downtown Pittsburgh was submerged, and streetcar service reached a standstill. Thousands of city residents rushed in a mad frenzy to Union Depot, pushing and fighting one another to force their way onto the few trains that were leaving downtown. Others fled

the lower part of downtown for higher ground, overwhelming the few hotels and restaurants that remained open. Police officers tried—valiantly but without success—to restore order to a scene that the *Washington Post* described as “a chaotic mass of humanity.” By the end of the day, the floods had claimed fourteen lives.²⁵

In Allegheny County, thousands of people were forced to abandon their homes, and steel mills and coal mines temporarily ceased operations, throwing hundreds of people out of work. More than five hundred families climbed to the second stories of their homes and waited to be rescued. On March 15, fires broke out in the cities of Mount Washington, Pennsylvania; Wheeling, West Virginia; and Bridgeport, Ohio, but flood conditions prevented firefighters from reaching the fires.²⁶

By then, the waters of the three rivers started to recede. Some street-car service resumed, the city’s many bridges once again became passable, and people who had been stranded downtown were finally able to return home, but pipes set up throughout the city continued to pump water out of the basements of hotels, offices, and homes. In all, ten square miles in and around Pittsburgh were flooded, causing \$10 million in damage and leading the *Washington Post* to conclude that the conditions in the city had been “the worst ever recorded.”²⁷

The Monongahela floods also submerged lands in West Virginia. On March 16, the *Wheeling Daily News* reported that “Old Sol looked down upon a scene of dire desolation.”²⁸ Streetcars had stopped running, telephones and telegraph lines were down, and downtown Wheeling was so flooded that people had to row skiffs to inspect the damage to their homes. Seventeen people died, and another six were missing. In an editorial on March 16, the *Wheeling Daily News* pulled no punches in assigning blame for the floods:

Again the Ohio River by its conduct forcibly reminds us of the folly of timber destruction. No other cause than the devastation of the forests could have given the Ohio Valley such a deluge following the fall of so comparatively slight a volume of water.

Twenty years ago two inches of rain would have done little else than make a big river. Today it caused the second largest flood in the history of the valley. The barren hillsides are responsible for it. There

is nothing to hold the water back. The river has become little more than a sewer. . . .

The timber is gone; it cannot be replanted and re-grown within the life of the present generation—but for the sake of posterity some action should be taken. France has a law which requires the replanting of a tree for every one cut. If the United States had had such a law Wheeling would have been out of water today.²⁹

In 1908, West Virginia's Conservation Commission issued a sternly worded report:

The increase in total discharge of West Virginia rivers, in spite of diminishing rainfall . . . is due solely, so far as available data can be interpreted, to the deforestation of the mountains. There is no reason to doubt that a continuation of timber cutting will increase the fluctuation of the streams.

By keeping the mountains forested, a steady supply of water will be available; but if the woods are destroyed, the water will go down as destructive floods when rain has fallen, and it will quickly disappear when the rains cease.³⁰

Legislators in West Virginia responded forcefully to the disaster. Soon after the waters receded, the state legislature passed a law permitting the federal government to purchase lands to create a Monongahela national forest preserve. It was an auspicious step that was calculated to prod the federal government into action.

In their arguments in favor of eastern national forests, conservationists had already begun to emphasize utilitarian arguments, particularly flood control and fire prevention. The Monongahela tragedy reinforced the emphasis on utilitarian arguments and the need to protect entire watersheds. As early as 1902, H. A. Pressey and E. W. Myers of the U.S. Geological Survey had analyzed how deforestation caused an increase in flooding:

To a certain extent, the forest acts as a reservoir, for it keeps the soil porous, allows it to absorb and hold the water for a time, and gradually gives it forth in the form of springs and rivulets. Where the areas have

been deforested, however, the rain water forms small but swift-flowing torrents down the sides of the mountains, and quickly reaches the streams below. Deep channels are cut in the mountain sides, and all of the top fertile soil is carried off, leaving only the underlying clays, which are of poor quality and do not yield to cultivation.³¹

The causal connection between deforestation and flooding, however, would emerge as a source of deep disagreement among experts as debate over the forest legislation heated up in 1907 and 1908.

A Bill Is Declared Unconstitutional

With the Monongahela floods rousing public opinion and House Speaker Cannon's apparent acquiescence by appointing Weeks to the Agricultural Committee, the path finally seemed clear to pass an eastern national forest bill. In December 1907, a bill that would use revenues from grazing and logging rights from existing national forests to purchase new forestlands was introduced into the House. Opponents claimed that the bill violated the Constitution, however. In February 1908, the Agricultural Committee referred the bill to the House Judiciary Committee, and two months later, the Judiciary Committee declared the bill unconstitutional because no clause explicitly granted the federal government the power to buy privately held lands. The committee ruled that the government could only purchase lands under the interstate commerce clause: to protect the flow of rivers and streams carrying interstate traffic or providing power to businesses engaged in interstate trade.³²

Meanwhile, President Theodore Roosevelt was using the powers of the presidency to press Congress for action. On December 7, 1907, he delivered a special message to Congress in which he called for the purchase of forestlands in the southern Appalachians and the White Mountains. Then, from May 12 through May 15, 1908, he convened a governors' conference at the White House to develop strategies for enhancing conservation efforts in the country. In addition to all the state governors, the conference included Roosevelt's cabinet members; the U.S. Supreme Court justices; numerous members of Congress; leaders of scientific and profes-

sional societies; reporters and editors from news organizations; and professors of forestry, botany, and other life sciences. The president delivered the keynote speech, commonly referred to as "Conservation as a National Duty," in which he linked conservation and civilization:

With what we call civilization and the extension of knowledge, more sources come into use, industries are multiplied, and foresight begins to become a necessary and prominent factor in life. Crops are cultivated; animals are domesticated; and metals are mastered.

We cannot do any of these things without foresight, and we can not, when the nation becomes fully civilized and very rich, continue to be civilized and rich unless the nation shows more foresight than we are showing at this moment as a nation. . . .

The wise use of all of our natural resources, which are our national resources as well, is the great material question of today. I have asked you to come together now because the enormous consumption of these resources, and the threat of imminent exhaustion of some of them, due to reckless and wasteful use, once more calls for common effort, common action.³³

For the next three days, conference attendees strategized how to guide the United States toward more efficient employment of its natural gifts and more scientific knowledge about how best to use those resources. On May 15, the conference ended with a statement by the governors that affirmed the importance of the nation's natural resources, from timber to water to minerals. "This conservation of our natural resources," the statement read, "is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the People in earnest cooperation."³⁴

The same month as the governors' conference, Representative Charles G. Scott of Kansas introduced an alternative forest bill to the one that had been declared unconstitutional, but the true purpose of this bill was to sidetrack national forests in the East. The chairman of the House Committee on Agriculture, Scott was another member of the Republican Party's old guard who opposed Progressive initiatives and the growth of the fed-

eral government. His bill called for the creation of a commission to study the question of publicly owned forests, which was an obvious delaying tactic.³⁵ On May 21, the Scott Bill passed the House by a vote of 105 to 41, with 124 abstaining. It went to the Senate, where it was referred to the Commerce Committee, and there it languished.

Meanwhile, conservationists undertook an effort to win support for an eastern forest bill from legislators in the West, and Philip Ayres became the designated advocate. On December 28, 1908, Massachusetts's proconservation governor, Curtis Guild Jr., wrote a letter introducing Ayres to western governors and arguing that forest preservation was a national issue. He likened the issue to that of water irrigation, which was extremely important to the western legislators and which congressmen from the East had supported. Armed with this letter of introduction, Ayres undertook a three-month expedition west to win support. In a series of meetings with governors, Ayres argued that the whole nation would suffer economically if eastern timber supplies dwindled. One holdout was John Governor Shafroth of Colorado, who, when he became a U.S. senator, "voted faithfully against every forest measure."³⁶ All the other western governors, however, agreed to press their congressional delegations to support an eastern forest bill.

The Weeks Bill

On January 22, 1909, three representatives—Weeks, Asbury Lever of South Carolina, and Frank Currier of New Hampshire—introduced a new House bill that they had rewritten to meet the standard for constitutionality by emphasizing the protection of watersheds for interstate commerce. The bill, which now carried Weeks's name to reflect his leadership on the issue, contained significant changes from the 1908 bill:

1. It specified that the federal government could purchase forestlands to protect forests containing the headwaters of rivers and streams used for navigation and water power.
2. It did not mention the southern Appalachians or the White Mountains by name, thus broadening the potential application of the law

to any forests in the country. The references to specific forests were dropped to address opponents' accusations that it was special-interest legislation.

3. It dropped the use of logging and grazing revenues from existing forests and instead appropriated money from the U.S. Department of Treasury for the purchases of forestlands.³⁷

On February 3, 1909, the Agricultural Committee reported the bill favorably to the House by a vote of 11 to 7. On March 1, 1909, the full House narrowly approved it by a vote of 157 to 147, with 82 abstaining. The Senate failed to consider the bill during that session, however, and it died.³⁸

On July 23, 1909, Weeks submitted a revised bill, which now contained language very similar to that of the final law. It stated that the government could purchase lands "for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."³⁹ Senator Jacob Gallinger of New Hampshire introduced an identical bill into the U.S. Senate on December 20, 1909.

At this point, though, controversy erupted over the question of whether conservationists had exaggerated the connection between deforestation and flooding in order to ensure that the Weeks Bill passed constitutional muster. In 1908, Hiram Chittenden of the U.S. Army Corps of Engineers, who supported forest conservation in general, had delivered a report to the annual meeting of the American Society of Civil Engineers in which he accused conservationists of overstating the effect of deforestation on stream flow to justify federal purchases of forestlands.

Upon hearing Chittenden's accusations, Pinchot insisted on the connection between deforestation and stream flow. He testified before Congress that forests did, indeed, prevent flooding, and to make his point, he held up two pieces of paper. One was a blotter that he poured water on, and it absorbed water. The other was a photograph of a deforested mountainside. He poured water on it, and naturally the water ran down onto the floor. The demonstration was of dubious scientific merit, but it had the desired persuasive effect on members of the House.⁴⁰

The issue of the connection between deforestation and stream flow would not go away, though. In early 1910, Willis S. Moore, chief of the U.S. Weather Bureau, distributed *Report on the Influence of Forest on Climate and on Floods*, in which he asserted that "the run-off of our rivers is not materially affected by any other factor than the precipitation" and that "forests should be preserved for themselves alone, or not at all."⁴¹

On February 23 and March 1 and 2, 1910, the House Agricultural Committee held further hearings on the Weeks Bill, and those hearings focused on the question of whether deforestation was responsible for flooding. The committee called three experts: George F. Swain, professor of civil engineering at Harvard University; L. C. Glenn, professor of geology at Vanderbilt University; and Filibert Roth. In March 1910, the American Forestry Association, which strongly supported the Weeks Bill, published essays in which all three experts attacked Moore's report. According to Glenn:

This report of Professor Moore is too full of errors to be let pass unchallenged. Some of these errors are due to the statements made by Professor Moore being too broad and sweeping; some are due, either to Professor Moore's failure to grasp what the advocates of reforestation really propose to do, or to a failure on his part to make an adequate statement of their proposals; some are due to his confusing conditions on mountain head-waters with conditions on the lower navigable portions of river systems.⁴²

Roth asserted as well that Moore's report was not based on scientific observation and evidence. At one point, for example, Moore had written, "On the whole, it is probable that forests have little to do with the heights of floods in main tributaries and principal streams, etc."⁴³ Such sentences, Roth claimed, were far too vague and ambivalent to qualify as science. Indeed, Roth asserted, Moore had failed even to consider whether land adjoining rivers was flat, hilly, or gullied. Roth explained:

In this very matter of run-off Mr. Moore fails entirely to connect run-off with erosion, the gullyng or development of the innumerable drain lines due to clearing of land, and aggravated by plowing.

That every furrow, every rod of gully, acts as a drain and hastens

run-off and prevents water storage does not seem to be of importance to Mr. Moore's position.⁴⁴

With their thorough refutations, Roth, Swain, and Glenn ably persuaded members of the House Agricultural Committee of the connection among deforestation, irregular river flow, and flooding like that in Pennsylvania and West Virginia in 1907, but the issue would continue to be a controversial one during the implementation of the Weeks Act. The House Agricultural Committee issued a favorable report on the Weeks Bill, and, as promised, Cannon did not stand in the way of the bill coming to the House floor for consideration. In the last week of June 1910, the House scheduled floor debate, and Philip Ayres rushed to Washington to watch. He himself described the scene:

John Weeks marshal[ed] his forces on the floor of the House. Joseph Cannon left the Speaker's chair to oppose the bill, and John Sharp Williams, leader of the Democrats, made a brilliant antagonistic charge of unnecessary extravagance. But the work of John Weeks was thorough; the bill passed, . . . and our ten year struggle was over.⁴⁵

The historic vote, on June 24, 1910, was 130 to 111. In the Senate, though, passage was delayed for several months as opponents made one more last-gasp effort to kill the bill, with Senator Theodore Burton of Ohio leading a filibuster and Senator W. B. Heyburn of Idaho ranting against it as the "most radical piece of fancy legislation that has ever been proposed in the Congress of the United States."⁴⁶

Once again, though, nature intervened to show dramatically why a new direction was imperative for the management of the nation's forests. On April 29, 1910, fire burst out on the Blackfeet National Forest in northwestern Montana, beginning one of the most incendiary summers the United States has ever had. On August 16, reports streamed into the U.S. Forest Service's district office in Missoula, Montana, about conflagrations on forests throughout northern Idaho and western Montana. President William Howard Taft called out four thousand federal troops to help combat the fires.

By August 19, officials thought they had the fires under control, but on

August 20, gale-force winds swept through the region and whipped the fires into a frenzy. For the next two days, the big blowup—as the fires came to be known—devastated forests throughout Idaho, Montana, and eastern Washington, killing more than eighty people and devastating three million acres of land. The fires galvanized the public and gave supporters of the Weeks Bill in the Senate a real-life demonstration of the desperate need for public forests and forest conservation in the East. In addition, Henry S. Graves, who had succeeded Gifford Pinchot as chief forester of the U.S. Forest Service, supported the idea of firefighting cooperation between the federal government and the states, a principle that was written into the Weeks Bill.⁴⁷

Girded by the devastating events in the West, conservation organizations and the public turned up the pressure on the Senate, and on February 15, 1911, the Senate finally approved the bill by a vote of 58 to 9. Cannon bowed to the legislators whom he had fought so long and exclaimed, “Gentlemen, you have my scalp!”⁴⁸ On March 1, 1911, President Taft signed the Weeks Bill into law.

Provisions of the Weeks Act

The Weeks Act stated its purpose forthrightly: “To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watershed of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.” The general nature of the law—it named neither the White Mountains nor the southern Appalachians—proved to be a key element in its flexibility and success. The act established a clear procedure for purchasing forestlands:

- The act designated \$1 million for fiscal year 1911 and \$2 million for each year after, through 1915, for the purpose of surveying and acquiring lands containing the headwaters of navigable rivers. A total of \$11 million was designated.
- It established a National Forest Reservation Commission to examine and recommend purchases by Congress. The commission consisted

of the secretary of war, the secretary of agriculture, the secretary of the interior, two members of the Senate, and two members of the House.

- The secretary of agriculture was responsible for surveying and recommending lands for purchase to the commission. In time, the U.S. Forest Service and the chief forester gained significant new powers through these responsibilities.
- The commission could grant rights for cutting timber and mining the land even after the federal government had purchased it. In such cases, however, the law specified that "such rights of way, easements, and reservations . . . shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration." Over the years, the granting of mineral and timber rights led to perhaps the greatest controversies in applying the law.
- The commission could approve the sale of certain lands appropriate for agriculture as long as the sale of these lands and their use for agriculture would not do "injury to the forests or to stream flow and which are not needed for public purposes."
- The federal government could provide grants to the states for the purpose of fighting forest fires. To receive the federal money, each state had to appropriate an equal amount for fighting fires. The act allotted a total of \$200,000 for this program, which led to steady improvement in the firefighting capacities of states.⁴⁹

In an editorial in *American Forestry* in March 1911, the American Forestry Association hailed the law, stating that although it was "greatly circumscribed," it represented a major step forward because "it makes our national forest policy really national" and "is a notable triumph of enlightened public sentiment over political obstruction."⁵⁰ The law was an enormous step forward for the country's young conservation movement. It affirmed the desirability of federal stewardship of forests and established a legislative precedent that led to the eventual passage of the Wilderness Act

and other wilderness-protection initiatives. Equally important, the public gained a major and continuing voice in policies affecting the environment. Before the Weeks Act, the public's voice struggled to be heard; after the law, its voice would never again be ignored. The law's passage was a triumph by citizens who did not reside in the halls of power but who forced their way into those halls and created a living legacy that we renew each time we follow a trail in one of the eastern national forests.

On January 8, 1913, Joseph B. Walker, who had lived long enough to see the Weeks Act become law, passed away. He was ninety years old. In the obituary the *Concord Monitor* ran on January 9, 1913, Philip Ayres hailed Walker's leadership in introducing forestry to New Hampshire.⁵¹ Ayres knew very well that he and conservationists around the nation had carried on Walker's work to its triumphant conclusion, yet they would face a new set of daunting challenges in implementing the law and creating a system of national forests in the East, the South, and the Lake states.